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1 of the claims are found within a single prior art reference.” (*Scripps Clinic and*
2 *Research Found. v Genetech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010
3 (Fed. Cir. 1991 (emphasis added).) Moreover, the PTO and the Federal Circuit
4 provide that §102 anticipation requires that there must be no difference between the
5 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*
6 *v. Genetech, Inc.*, id. (emphasis added).)

7 Accordingly, if the Applicants can demonstrate that any one element or
8 limitation in claims 21, 23-25, 34-35 and 37-39 is not disclosed by Otala, then the
9 respective claim(s) must be allowed.

10 In the following arguments, the Applicant will focus in particular on
11 independent claims 21 and 34 (as respectively amended), as the Applicant believes
12 those claims to be allowable (as amended above) over Otala. It is axiomatic that any
13 dependent claim which depends from an allowable base claim is also allowable, and
14 therefore the Applicant does not believe it is necessary to present arguments in favor
15 of each and every dependent claim.

16 17 Claim 21

18 The Applicant respectfully disagrees that claim 21, as amended, (and rejected
19 claims 23-25 that depend there from) are anticipated by Otala. With respect to claim
20 21, as amended, that claim includes the following features and limitations:

21
22 A method for configuring a computer to obtain status information
23 for subsequent print jobs to a printer, the method comprising:

24 supplying a proxy printer driver in place of an actual printer
25 driver associated with the printer, wherein the actual printer driver
includes at least one actual function, and wherein the proxy printer
driver includes at least one proxy function;

1 replacing a pointer to an actual function of the actual printer
2 driver with a pointer to a proxy function of the proxy printer driver;
3 providing to the computer an SAS monitor configured to
4 selectively query a spooler and the printer regarding status of
5 subsequent print jobs; and
6 setting a flag so as to indicate that the computer is able to
7 provide status for print jobs on the printer.

8 (Emphasis added.)

9
10 Otala fails to provide replacing a pointer to an actual function of the actual
11 printer driver with a pointer to a proxy function of the proxy printer driver, as recited
12 in combination with the other features and limitations of claim 21, as amended.
13 Otala also fails to provide providing to the computer an SAS monitor configured to
14 selectively query a spooler and the printer regarding status of subsequent print jobs,
15 as recited in combination with the other features and limitations of claim 21, as
16 amended. Furthermore, Otala fails to provide setting a flag so as to indicate that the
17 computer is able to provide status for print jobs on the printer, as recited in
18 combination with the other features and limitations of claim 21, as amended.

19 Rather, Otala is directed to providing a proxy image having a second format
20 from an output image having a first format (Abstract of Otala). That is, Otala teaches
21 translating image data of a first format (e.g., FlashPix format, etc.) into proxy image
22 data of a second format (e.g., device independent bitmap (DIB), etc.). With respect
23 to setting any sort of flag, Otala teaches the provision of one or more bit flags
24 indicating whether or not a particular entry point or points is/are available within a
25 (the) device driver (Col. 5, lines 48-51 of Otala). This is not the same as a flag
dedicated to indicating the status (i.e., pending, or in progress) of a print job. More

1 to the point, this is not the same as the present invention as recited by claim 21, as
2 amended.

3 As asserted by the Applicant earlier in prosecution of the pending application,
4 Otala is not concerned with the status of a print job, or any provisions for detecting
5 and/or reporting such a print job status, in any way. Otala is totally devoid of the
6 terms and/or phrases "status", "job status", "print status" or "print job status", or any
7 of their respective equivalents, in any context. As a further point of fact, Otala is not
8 concerned with, and does not teach or suggest, a monitor configured to selectively
9 query a spooler and a printer in regard to status of any print job or jobs, as recited by
10 claim 21, as amended. In view of the forgoing deficiencies of Otala, and in further
11 view of the requirements reiterated above, the §102 rejection of claim 21 (as
12 amended) is unsupportable and must be withdrawn.

13 For at least these reasons, the Applicant asserts that claim 21, as amended,
14 is allowable. Because claims 22-27 depend (directly or indirectly) from claim 21 (as
15 amended), it is axiomatic that they too are allowable at least by virtue of their
16 dependence from an allowable base claim, as well as for their own respectively
17 patentable features and limitations.

18 19 Claim 34

20 In regard to claim 34, that claim has been amended (as indicated above) to
21 include all of the limitations of claim 36 (now cancelled). Thus, claim 34, as
22 amended, is equivalent to claim 36 rewritten in independent form and including all of
23 the limitations of its base claim and any intervening claim(s). In accordance with the
24 Examiner's statements on page 4 of the Office action regarding the allowability of
25 claim 36, and in light of the amendments to claim 34 to include the limitations of
(allowable) claim 36, the Applicant believes that claim 34 (as amended) is now

allowable. In turn, claims 35 and 37-40 are also allowable at least by virtue of their dependence (direct or indirect) from allowable independent claim 34, as amended.

Rejection of Claims under 35 U.S.C. § 103

Claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ojala, in view of U.S. Patent No. 6,032,201 ("Tillery").

Claim 22 depends from claim 21, as amended. As stated above, the Applicant believes that claim 21, as amended, is allowable. Thus, claim 22 is also allowable at least by virtue of its dependence from allowable base claim 21 (as amended), as well as for its own patentably distinct features and limitations. Therefore, the Applicant does not believe it necessary to provide specific arguments in favor of the allowance of claim 22.

Allowable Subject Matter

The Examiner has stated that claims 26, 27, 36 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims (see page 4 of Office action). As stated above, the Applicant believes claims 26 and 27 to be axiomatically allowable by virtue of their dependence from now-allowable claim 21, as amended. As also stated above, the Applicant believes claim 40 to be axiomatically allowable by virtue of its dependence from now-allowable claim 34, as amended. As claim 36 has been cancelled herewith, this matter is moot with respect to that claim.

The Examiner has also stated that claims 28-33 are allowed (see page 4 of Office action). The Applicant acknowledges and appreciates the Examiner's indication of allowable subject matter.

1 Telephonic Interview

2 The Applicant acknowledges that on April 11, 2006 Scott Gallert (Reg. No.
3 51,715, agent for the Applicant) conducted a telephonic interview in regard to the
4 pending application with Examiner Wallerson. During the interview, Mr. Gallert
5 suggested a proposed an amendment to claim 21 (specifically, to include a limitation
6 from allowed claim 28), and inquired with the Examiner as to the Examiner's
7 particular reasoning for the indicated allowance of claim 28 (per the Office action).

8 In response to the then-proposed amendment to claim 21, Examiner
9 Wallerson generally stated that reconsideration of the art of record would be
10 necessary in order to reach a conclusion as to patentability. With respect to the
11 indicated allowance of claim 28, Examiner Wallerson pointed to the general
12 combination of limitations and features recited by independent claim 28, as
13 compared to (then pending) claim 21. Accordingly, no consensus was reached
14 regarding whether inclusion in claim 21 of a limitation found in allowed claim 28
15 would result in allowance of claim 21.

16
17 Summary

18 The Applicant believes that this response constitutes a full and complete
19 response to the Office action dated March 23, 2006. Therefore, the Applicant
20 respectfully requests reconsideration of claims 21-27, 34-35 and 37-40 (as
21 respectively amended), in favor of timely allowance. The Applicant further
22 acknowledges the allowance of claims 28-33.

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24 (Continued on next page.)
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1 The Examiner is respectfully requested to contact the below-signed
2 representative if the Examiner believes this will facilitate prosecution toward allowance of
3 the claims.

5 Respectfully submitted,

6 Shell SIMPSON

8 Date: April 21, 2006

By 

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